



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
|-----------------|-------------|----------------------|---------------------|------------------|

10/590,008

08/21/2006

Satoshi Kadokawa

Q96579

6887

65565 7590 06/19/2009
SUGHRUE-265550
2100 PENNSYLVANIA AVE. NW
WASHINGTON, DC 20037-3213

EXAMINER

YABUT, DANIEL D

ART UNIT

PAPER NUMBER

3656

MAIL DATE

DELIVERY MODE

06/19/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|--------------------------------------|--|--|
| Office Action Summary | Application No. 10/590,008 | Applicant(s) KADOKAWA ET AL. | |
| | Examiner DANIEL YABUT | Art Unit 3656 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 August 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>See Continuation Sheet</u> . | 6) <input type="checkbox"/> Other: _____ |

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :8/21/2006, 10/17/2006/ 4/2/2006.

DETAILED ACTION

Drawings

New corrected drawings in compliance with 37 CFR 1.121(d) for Figure 5 and Figure 7 are required in this application because the photographs in these figures must be of sufficient quality so that all details in the photographs are reproducible in the printed patent. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, as can be seen in the position of a highest portion out of fine roughnesses existing on the surface is assumed as an outermost surface position and an occupation ratio of a sectional area of a virtual plane in a plane direction at a portion that is positioned at a depth of 1, 1.5 and 2 micrometers from the outermost surface position to an area of an overall surface of a portion that contacts the other member is set to 90 % or more to less than 100%, 80% or more to less than 100%, and 50% or more to less than 100%, respectively (as can be seen in claims 1-6), must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended

Art Unit: 3656

replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

1. Claims 1-6 and 13-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1-3 recite, “a position of a highest portion **out of** fine roughnesses” (emphasis added). It is unclear how the term “out of fine roughnesses” modifies or describes the position of the highest portion.

Claims 1-3 recite, “a position of a highest portion out of fine roughnesses existing on the surface **is assumed** as an outermost surface position” (emphasis

Art Unit: 3656

added). It is unclear how the use of the recitation "is assumed" structurally affects or limits the structure of the claim.

Claims 1-6 recites an "occupation ratio" being set to "90% or more to less than 100%" (as recited in claim 1), "80% or more to less than 100%" (as recited in claim 2), "50% or more to less than 100%" (as recited in claim 3), "80% or more" (as recited in claims 4 and 6), "50% or more" (as recited in claims 5 and 6). However, it is unclear as to how this ratio is calculated as the claim does not define the parameters of this ratio.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. **Claims 1-30**, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Sada, US Patent 5,997,988.

Sada discloses rolling sliding parts of a surface which contacts another member wherein:

Re claim 1

- A position of a highest portion out of fine roughnesses existing on the surface is assumed as an outermost surface position (C3 / L37-40)
- An occupation ratio of a sectional area of a virtual plane in a plane direction at a portion that is positioned at a depth of 2.0 micrometers from the outermost surface position (C3 / L42-43) to an area of an overall surface of a portion that

Art Unit: 3656

contacts the other member is set to 90% or more to less than 100% (C3 / L46-48)

Re claim 2

- A position of a highest portion out of fine roughnesses existing on the surface is assumed as an outermost surface position (C3 / L37-40)
- An occupation ratio of a sectional area of a virtual plane in a plane direction at a portion that is positioned at a depth of 1.5 micrometers from the outermost surface position (C3 / L42-43), to an area of an overall surface of a portion that contacts the other member is set to 80 % or more to less than 100% (C3 / L46-48).

Re claim 3

- A position of a highest portion out of fine roughnesses existing on the surface is assumed as an outermost surface position (C3 / L37-40)
- An occupation ratio of a sectional area of a virtual plane in a plane direction at a portion that is positioned at a depth of 1.0 micrometer from the outermost surface position (C3 / L42-43), to an area of an overall surface of a portion that contacts the other member is set to 50 % or more to less than 100% (C3 / L46-48).

Re claim 4

- An occupation ratio of a sectional area of a virtual plane in a plane direction at a portion that is positioned at a depth of 1.5 micrometers from the outermost

Art Unit: 3656

surface position (C3 / L42-43), to an area of an overall surface of a portion that contacts the other member is set to 80 % or more (C3 / L46-48).

Re claim 5

- An occupation ratio of a sectional area of a virtual plane in a plane direction at a portion that is positioned at a depth of 1.0 micrometers from the outermost surface position (C3 / L42-43), to an area of an overall surface of a portion that contacts the other member is set to 50 % or more (C3 / L46-48).

Re claim 6

- An occupation ratio of a sectional area of a virtual plane in a plane direction at a portion that is positioned at a depth of 1.5 micrometers from the outermost surface position (C3 / L42-43), to an area of an overall surface of a portion that contacts the other member is set to 80 % or more (C3 / L46-48), and also an occupation ratio of a sectional area of a virtual plane in a plane direction at a portion that is positioned at a depth of 1.0 micrometers from the outermost surface position (C3 / L42-43), to an area of an overall surface of a portion that contacts the other member is set to 50% or more (C3 / L46-48).

Re claims 7-12

- The rolling sliding part is a roller constituting a cam follower unit (Fig. 3) in which an outer peripheral surface of a roller (11a) supported rotatably around a roller supporting shaft (12) is brought into contact with an outer peripheral surface of a cam (at 7) via a rolling contact.

Re claim 13-18

Art Unit: 3656

- The rolling sliding part is a rocker arm (at 3; C5 / L28-39) into a part of which a cam follower unit is incorporated.

Re claims 19-24

- The rolling sliding part is an inner ring (near 13; C5 / L21-24; Fig. 2) having a cylindrical inner ring raceway on an outer peripheral surface or a shaft (12).

Re claim 25-30

- The rolling sliding part is a needle (13; C5 / L21-24) that is provided rollably between a cylindrical inner ring raceway and a cylindrical outer ring raceway (Fig. 2)

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL YABUT whose telephone number is (571)270-5526. The examiner can normally be reached on Monday through Friday from 9:00 A.M. to 5:00 P.M. EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard W. Ridley can be reached on (571)272-6917. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3656

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/DANIEL YABUT/
Examiner, Art Unit 3656
6/18/2009

/Richard WL Ridley/
Supervisory Patent Examiner, Art Unit 3656